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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 7 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by the Centre Europe - Tiers Monde, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1994]

1. The Centre Europe-Tiers Monde (CETIM) attaches particular importance to North-South relations and their political, economic and social evolution. It also finds that the deterioration of the economic situation, as well as the trend towards globalization and interdependence, have made it more difficult for the developing countries and the countries with economies in transition to achieve their objectives of socio-economic development, progress and social justice. Current economic policies in general and the structural adjustment policies being implemented in the developing countries, in particular, tend to create or sustain social imbalances, which are undeniable causes of tension and violence. This situation has had disturbing consequences for human rights violations, which have constantly been on the increase in the economically weakest countries.

2. These preliminary findings are intended to demonstrate the need to implement a consistent global policy, bearing in mind that the promotion of human rights is indissociable from a particular type of economic and social development. To this end, the economic and social order to be built must be based on a set of conditions accepted by all, but adjusted to take account of specific regional characteristics.

External debt: legitimacy and joint responsibility

3. With regard to the recommendations made by the Secretary-General in his report contained in document E/CN.4/1993/16, CETIM supports the proposal to recommend that the Commission should "call for the International Monetary Fund and the World Bank to review and implement their original mandates. If the IMF were to resolve payment imbalances in an equitable and controlled manner, the burden of adjustment would not only be on the deficit countries but would be reasonably shared between surplus and deficit countries. If the World Bank would take up seriously its initial task of recycling global surpluses of the rich nations to deficit nations, the poorer countries would not be obliged to borrow on the private financial markets".

4. Accordingly, if the IMF's initial and declared task really is to reduce the external debt of the indebted countries of the South by recycling global surpluses, it has failed completely: in one of its latest reports, the World Bank, which admittedly takes account for the first time of the debt of the former Soviet Union, states that the combined debt of the developing countries increased by a further $1.703 billion at the end of 1992.

5. In fact, the IMF is neither an international service nor an arbitrator, but, rather, the legal counsel for one of the parties, namely, the creditors. It acts like a debt recovery office, but one of a very special nature.

6. In a private law case, the debtor enterprise would be declared bankrupt. Its assets would be liquidated, but the debt recovery office would not pledge to ensure that the creditors were fully reimbursed. The only thing they could do would be to record their losses and the case would be closed.

7. However, a country cannot declare itself bankrupt. Countries which tried to do so were threatened with the worst punishments, with the IMF leading the attack. The IMF's real role is thus not to help such countries reduce their debt or to put an end to their bankruptcy. It is, rather, to place them under

supervision by converting irrecoverable debts into debt service commitments to be paid in perpetuity.

8. Since the situation is constantly getting worse, CETIM shares the point of view of several non-governmental organizations that the debt should be cancelled. UNDP studies show that the constant deterioration of the balance of payments of four fifths of the developing countries is basically the result of the unequal terms of trade which govern international trade. Unless there are radical changes in these terms and in North-South relations, it is totally illusory to think that the debt of the economically poor countries can be absorbed in any other way or even simply reduced.

9. Because of the burden that debt places on the peoples of the South, it can only be recommended that it should be cancelled, but it must also be asked who will pay for this cancellation. In order to solve this problem, however, we must first ask about legitimacy - not the legitimacy of global debt, but the legitimacy of each of the claims composing it. Considering the legitimacy of a claim thus also involves raising the question of joint responsibility or, as the economists say, risk-sharing.

10. To our knowledge, these are questions that the IMF and the World Bank have never really thought about. We will ask only a few:

> How many claims are fraudulent? How many debts are the result of contracts which, in civil law, could be denounced on the grounds of fraud? How many completely fictitious projects for turnkey factories never have and never could have worked? How much embezzlement and bribery have there been? How many Duvaliers and Marcoses are there in the world? Why is this problem of the legitimacy of claims never raised, whereas a set of very subtle conditionalities is laid down in connection with IMF loans?

Many of these questions still have not been answered, despite all the energy the IMF and the World Bank put into the debt problem.

11. On the basis of the foregoing, CETIM wishes to make some proposals designed to lighten the debt burden and its dramatic consequences for the realization and promotion of human rights:

(1) Prior to any obligation of reimbursement and any setting of "conditionalities" by the IMF, audits should be made of the legitimacy of claims, the identity and responsibilities of debtors and creditors and, in addition, the origin of the capital lent. These audits might be made by independent bodies, such as the United Nations Commissions for Africa, Latin America and Asia.

(2) On the basis of the information collected and in the context of the Hague Court for example, an independent international commission should be set up to evaluate:

> (a) The share of responsibility of States, banks and enterprises for the loans granted;

(b) The origin of the capital originally lent and the whereabouts of capital that has disappeared.

Corruption works both ways. The moralization of the economy would thus be brought up as a matter for discussion.

(3) The foreign assets of the leaders of indebted countries (one third, if not two thirds, of the total debt, according to certain studies) should be frozen. It is up to these leaders to prove that they got rich legitimately.

(4) The concessional terms and tax gifts that have enabled western banks to cover their losses should be investigated. It is only right that taxpayers should know what economic agents are really up to.

12. On this basis, it might be possible to determine what share of the debt is "legitimate" and to cancel the share that is public. It is high time for private lenders, especially the big banks and, as is more and more often the case, private enterprises, which have granted loans and credits unthinkingly, singing the praises of the free play of the market forces, to agree, as is only natural, to share the risks. And if the debtor is insolvent, such risk-sharing means that they can write off the outstanding balance!

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COMMISSION ON HUMAN RIGHTS
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RIGHTS OF THE CHILD

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 February 1994]

Child prostitution

1. The International Federation Terre des Hommes (IFTDH) is greatly concerned about the sexual exploitation of children and about child prostitution which compel humankind to view itself very critically and constitute a violation of all the fundamental rights of the child. This phenomenon is a fast-growing evil that causes irreparable physical and psychological damage to the children who are its victims. Physically, child prostitutes are exposed to all kinds of sexually transmittable diseases, to AIDS, to violence and to serious injuries. Psychologically, they are exposed to many traumatisms. Their personality cannot develop harmoniously, they risk

losing their self-esteem, they are demoralized, they cease to believe in anything, and they are denied the possibility of receiving normal schooling. Consequently, even if their condition improves, their chances of leading a normal life when they reach adulthood are considerably jeopardized.

2. Child prostitution is not confined to any particular geographical area, it occurs, in differing degrees, in all the regions of the world. In Asia, for example, the figures are alarming:

(a) In India, there are reportedly close to 2 million female prostitutes, 20 per cent of whom are alleged to be under 16 years of age, that is to say, nearly 400,000 children. Of the 125,000 prostitutes in Bombay, 40,000 are said to be under 16 years of age;

(b) In Pakistan, 200,000 women, who come primarily from Bangladesh, are alleged to have been sold for purposes of sexual exploitation. At least 20 per cent of these are said to be childrn;

(c) In the Philippines, there are said to be 20,000 child prostitutes in Manila alone. There are allegedly also 1.2 million children under the age of 16 living in the streets, and between 50,000 and 60,000 of them are reported to be sexually abused;

(d) In Sri Lanka, there are reportedly 30,000 child prostitutes, most of whom are boys;

(e) In Taiwan, there are said to be at least 100,000 child prostitutes, three quarters of whom are female;

(f) In Thailand there are reportedly 200,000 child prostitutes between 9 and 16 years of age. One organization has even advanced the figure of 800,000 child prostitutes under 18 years of age;

(g) In Viet Nam, there are allegedly 200,000 prostitutes, of whom 50,000 are in Ho Chi Minh City; 20 per cent of the total number are allegedly children;

(h) The cross-border traffic into Thailand from Myanmar, the Lao People's Democratic Republic and Cambodia is also growing. Thousands of young women and children from the neighbouring States are thus forced to prostitute themselves in Thailand and must face the spread of the AIDS pandemic. Most of them are members of disadvantaged ethnic minorities.

3. The problem of prostitution also exists on a large scale in Latin America. In Brazil the number of child prostitutes has increased alarmingly over the last 10 years. The number of under-age prostitutes is currently estimated to be higher than that of the adult prostitutes. The phenomenon is no longer confined to large cities such as Rio de Janeiro but also affects the cities on the north-east coast, which is a much more disadvantaged region. It is estimated that there are 500,000 child prostitutes in Brazil. In Recife, for example, 44 per cent of the girls

living in the street earn their livelihood by prostituting themselves and 16 per cent of them are under 11 years of age. Their average life expectancy is only 21 years. In other cities, the percentage of child prostitutes is even higher.

4. The causes of child prostitution in Brazil are many and complex. The principal cause is the poverty of the families. In Rio Grande do Norte there are approximately 250,000 families living in almost total poverty and they represent 48 per cent of the population of this State. In these circumstances prostitution becomes a chance of survival for young girls and is finally regarded by the families as an acceptable solution to their social problems. Other causes of child prostitution in Brazil are the breakup of the family unit and the almost complete impunity with which children are exploited for sexual purposes. Discrimination against the Indians is also a factor that encourages prostitution.

5. In Europe and in the western world, a certain type of behaviour known as "sex tourism" is contributing to the growth of child prostitution on other continents. In Germany, for example, international tourism is growing rapidly and German tourists are travelling increasingly to faraway destinations. A part of this German tourism is sex tourism. The favourite places to which Germans go for sex tourism are Thailand, the Philippines, Kenya and Brazil. New destinations, such as the Dominican Republic, are also beginning to attract such tourists. In Brazil, those who indulge in sex tourism also come from Italy and Argentina.

6. No exact figures can be given for sex tourism. In the case of Thailand, for example, it is estimated that possibly 40 to 60 per cent of the male tourists have sexual contacts with female prostitutes, and that these include children. In the case of Germany, thousands of men allegedly exploit minors abroad for sexual purposes. Some reportedly travel to Asia, Africa or Latin America for that purpose. Others are said to take advantage of the opportunity when it arises.

7. In the face of the dramatic situation created by child prostitution in general, initiatives have been taken at the local, national and international levels by many organizations. One of them, the End Child Prostitution in Asian Tourism World Campaign, which was launched in 1991, has achieved great success. The campaign had set action in the areas of politics, law, information and education as its goal. The fact that the campaign achieved positive results shows that a global approach is needed to combat a phenomenon as complex as child prostitution. It shows too that child prostitution is not something which is inevitable and can to some extent be combated.

8. In this fight against child prostitution, original initiatives have come from very many NGOs. Thus, a member of IFTDH has embarked on a programme of cooperation with travel agencies, aimed at making them aware of the damaging effects of child prostitution, and enlisting their participation in the campaign to combat it by all sorts of measures of benefit to their customers. Some travel agencies have agreed to work with the IFTDH member in the fight against sex tourism.

9. The measures for combating child prostitution are therefore nummerous, but their impact is still too weak to stop this phenomenon. IFTDH therefore wishes to recommend that the Commission on Human Rights take the following measures:

(a) Call upon all member States,

(i) To ratify, if necessary, and speedily implement the Convention on the Rights of the Child;

(ii) To give priority attention to the problem of child prostitution;

(iii) To take the necessary measures to put into effect the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(iv) To draw, if necessary, on the new German legislation which makes it possible to prosecute, in Germany, a national who has exploited a child abroad for sexual purposes;

(v) To conduct public information campaigns on all matters relating to child prostitution;

(vi) To conduct rehabilitation programmes for children who are victims of prostitution and to support the NGOs which organize such programmes;

(vii) To carry out and encourage any economic development programme which respects the human being, in order to eliminate the underlying cause of the acceptance of child prostitution as an indispensable source of income for survival;

(b) Give all necessary support to the Special Rapporteur to consider matters relating to the sale of children by renewing his mandate as long as is necessary and make widely known the procedure under which he can take urgent action in cases of any violation of the rights of the child related to his mandate.